

United States District Court  
Southern District of New York  
United Specialty Insurance Company  
Plaintiff(s)  
v.

CIVIL ACTION NO. 1:18-cv-0848-JPO  
Affidavit in Lieu of Deposition

Table Run Estates Inc et al  
Defendant(s)

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I, Brian Thomas, being duly sworn, deposes and says:

- I have no current knowledge of this case.
- I have no recollection of Defendants in this case.
- I maintain no documents related to this case.
- I was given no documents related to this case.
- On or around March 2018, I was diagnosed with a chronic illness (e.g. heart-related) and suffered a massive heart-related event that resulted in me being close to death.
- I have yet to recover from this illness.
- I have typed this Affidavit from my hospice-like sick bed.
- I no longer practice law as of October 2017 and went through all the required 1<sup>st</sup> Department procedures.
- I was required to stop practicing by the Appellate Division First Department in October 2017.
- Pursuant to the Appellate Division First Department decision in October 2017 any attorney-client relationship between me and Defendants in the referenced would have been automatically terminated. (e.g. a former attorney cannot maintain clients.)
- It is my personal lay opinion, that if a default judgment was entered, the only equitable remedy would be a trial de novo on the merits for Defendants in the refenced matter, given these extraordinary circumstances.
- In light of my health status, participating in any deposition would constitute a great hardship on my health.
- I know nothing beyond that which I have disclosed in this affidavit.

VERIFICATION

I have read the foregoing Affidavit in Lieu of Deposition and know the contents thereof. The same is true to my knowledge, except as to matters therein stated to be alleged on information and belief and as to those matters, I believe them to be true.

X

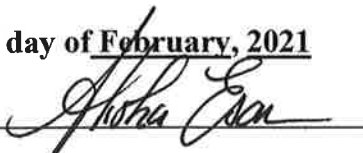


Brian Thomas

Sworn to before me this

26<sup>th</sup> day of February, 2021

X



Notary Public

ALISHA ESAU  
NOTARY PUBLIC, STATE OF NEW YORK  
Registration No. 01ES6399741  
Qualified in QUEENS County  
Commission Expires 10/28/2023